

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARTHUR J.M. BATTLE, III,

Petitioner,

v.

UNKNOWN,

Respondent.

No. 2:20-cv-1851-EFB P

ORDER

Mr. Battle is a state prisoner proceeding without counsel. This action was opened when he filed a letter with the court stating that his criminal trial was unfair. ECF No. 1. He has not properly commenced a civil action. To commence a civil action, a party must file a complaint or a petition. Fed. R. Civ. P. 3; Rule 3, Rules Governing § 2254 Cases; *Woodford v. Garceau*, 538 U.S. 202, 203 (2003). Mr. Battle's letter constitutes neither.


If Mr. Battle wishes to challenge a judgment of conviction entered against him in state court, he must file an application for a writ of habeas corpus using this court's form petition. In addition, Mr. Battle must either file an in forma pauperis affidavit or pay the required filing fee (\$5.00). *See* 28 U.S.C. §§ 1914(a); 1915(a). Until Mr. Battle submits a petition and either pays the filing fee or meets the requirements of 28 U.S.C. § 1915(a), there is simply no case before the court.

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Accordingly, it is hereby ORDERED that:

1. The Clerk of the Court shall send to Mr. Battle the court's forms for application for writ of habeas corpus and application for leave to proceed in forma pauperis.
2. Within 30 days from the date of service of this order, Mr. Battle shall either pay the \$5 filing fee or submit a complete application for leave to proceed in forma pauperis using the form provided.
3. Within 30 days from the date of service of this order, Mr. Battle shall file a petition for writ of habeas corpus using the form provided.
4. Failure to comply with this order may result in this case being closed.

DATED: September 21, 2020.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE